

## LYNCHBURG CITY COUNCIL REPORT

Meeting Date: February 12, 2002

Council Report # 3

Contact: Margaret Schmitt (847-1315)

Report Writer: Margaret Schmitt (847-1315)

---

Subject: Code of Conduct Policy

---

Purpose of Action:

- To include an exception to the political activity section of the Code of Conduct for the City of Lynchburg whereby City employees are allowed to register to vote and vote while in uniform.

Requested Action: Adopt the revised Code of Conduct Policy

---

Prior Action: January 29, 2002: City Council Worksession  
January 22, 1974: City Council Meeting

---

Attachments: Revised Policy

---

Resolution/Ordinance:

BE IT RESOLVED that the revised Code of Conduct policy for the City of Lynchburg is hereby adopted, effective immediately.

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

027L

---

Other Information: On January 22, 1974 the Lynchburg City Council adopted a “Code of Standards of Required Conduct” that applied to all employees of the City of Lynchburg. The Code served the organization well and was a valuable tool in creating public confidence and avoiding conflict of interest or the appearance of conflict of interest.

City Council approved a revised Code of Conduct policy on January 29, 2002 to ensure compliance with the State Code and to update the language of the Code. The revised policy incorporated the changes required by General Assembly action. The revision also modernized and simplified the policy where appropriate.

Subsequent to the 1/29/02 approval, staff realized that the approved revision could be read to place an unneeded burden on employees, particularly Public Safety employees, by prohibiting them from voting or registering to vote while in City uniform. The acts of registering to vote and voting are personal actions and do not create a public political situation.

## **I. POLICY**

### **A. Policy Statement:**

The City of Lynchburg, through City Council resolution, requires that employees follow the "Code of Conduct for Municipal Service to the City of Lynchburg" reflecting the highest ethical standards and promoting public confidence in City government.

### **B. Applicability:**

This Code of Conduct is established for all municipal employees, excluding school personnel and members of boards and commissions. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

## **II. BACKGROUND**

### **A. Policy Objective:**

The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The purpose of this Code is to establish standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the City. The provisions and purpose of this Code and accompanying rules and regulations established in the best interests of the City of Lynchburg.

### **B. Background:**

On January 22, 1974, the Lynchburg City Council adopted a Code of Standards of Required Conduct which applied to all employees of the City of Lynchburg, Virginia. The Code served the organization well and was a valuable tool in creating public confidence and avoiding conflict of interest or the appearance of conflict of interest. The General Assembly of the Commonwealth of Virginia passed legislation effective July 1, 2000 that required revision to the Code to ensure compliance with state law. This revised policy incorporates the changes required by the legislation and updates the policy where needed.

Amended by City Council, January 29, 2002.

## **III. PROCEDURES**

### **RESPONSIBILITIES OF PUBLIC OFFICE**

Municipal employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

### **DEDICATED SERVICE**

All City of Lynchburg employees are expected to be loyal to the objectives expressed by the electorate through the City Council. Employees shall adhere to the rules of work and performance established as the standard for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees unless prohibited from so doing by law or by officially recognized confidentiality concerns. .

### **FAIR AND EQUAL TREATMENT**

No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

No employee shall use or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business.

### **CONFLICT OF INTEREST**

As provided in Title 2.1 of the Code of Virginia (The Virginia Conflict of Interests Act) no employee shall engage in any private financial or other interest which might impact the performance of his/her official duties. Employees are also bound by the additional guidance outlined below:

(a) Incompatible Employment. No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would impair his/her independent judgment or action in the performance of his/her official duties. With management's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with City employment.

(b) Disclosure of Confidential Information. No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the City, which would advance the financial or other special interest of him/herself or others.

(c) Gifts and Favors. No employee shall accept any gift or favor, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him/her in the discharge of his/her duties.

(d) Representing Private Interests Before City Agencies or Courts. No employee shall represent his/her own or any other private interest before any agency of the City, unless he/she is doing so as a member of a civic organization or is speaking on an issue of general public interest.

### **POLITICAL ACTIVITY**

City employees may participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the City.

For the purpose of this policy, the term "political activities" includes, but is not limited to: "voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of , or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally , or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate." ( VA State Code Title 15.2-1512.2)

The components of this section are designed to promote public trust and confidence in City government by ensuring that it is free of the actual or apparent influence of partisan politics and to ensure that employment and advancement in the City are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer.

Every employee is encouraged to vote in every appropriate election. Moreover, except during working hours or when officially representing the City of Lynchburg, any municipal employee is free to express his or her opinion as to candidates or issues and to meet with candidates for office.

Employees may be candidates for political office but must resign, or shall be released, from employment with the City upon successful election to political office within the City of Lynchburg or other political office if the responsibilities of that office will interfere with the employee's ability to perform the duties of his/her City position.

Under no circumstances shall an employee engage in political activities while performing the official duties of his/her City position, use any City property or equipment to engage in political activity or to appear as a candidate while dressed in City uniforms or clothing that identifies the individual as a City employee. **This prohibition shall not apply to an employee registering to vote or voting.**

No employee shall use the prestige of his/her position on behalf of any political organization or party. For purposes of this Code, a "political organization" shall be defined as "any group, formal or informal, which endorses candidates for elective office at any level of government-- national, state or local."

No employee shall use his/her official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment based on political affiliations or political activities.

City employees are prohibited from discriminating in the provision of City services or responding to requests for services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

City employees are prohibited from suggesting or implying that the City has officially endorsed a political party, candidate or campaign.

## **CONSEQUENCES OF VIOLATION**

Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

"Frequently Asked Questions" concerning the Code of Conduct is attached.